

m/647/0090  
cc: Leslie 11008

**From:** Dana Dean  
**To:** DUBUC CHARLES  
**Date:** 7/13/2009 6:18 PM  
**Subject:** RE: PR Springs

**CC:** John Baza; Paul Baker; Steve Alder; Susan White  
Mr. Dubuc,

The public may involve themselves in our permitting process in one of two ways: providing comments, or requesting a hearing. The hearing may be informal, before the Division Director or someone he designates, or formal, before the Board of Oil, Gas and Mining.

As we receive further information from Earth Energy Resources, it will be public information. You are welcome to provide comments to us at any time, but there will not be another formal comment period for this permitting action.

We always value and take public comments into account, but in the end must act in accordance with Statute, so we cannot always accommodate the commenter. It is then the commenter's prerogative to request a Board Hearing or informal conference, where they are required to present a case as to why the Division is in error regarding a certain action or decision.

If you have remaining concerns after reviewing any further information that we have required from Earth Energy Resources, please let us know, and if they we receive them in time, we will review them and take them into account as we make our final decision. If you are unsatisfied with our final decision, or do not feel your comments have been adequately addressed, you may request an informal conference or formal Board Hearing regarding our final decision.

You will have to forgive my ignorance regarding your definition of "a written protest - short of a Request for Agency Action." Please let me know if my explanation has missed the mark. You may also contact our representative from the Attorney General's office, Mr. Steve Alder (801.538.5348 - [stevealder@utah.gov](mailto:stevealder@utah.gov)) for further guidance.

Please let me know if I can be of further assistance.  
Thank you,

Dana Dean, P.E.  
Associate Director - Mining  
Utah Division of Oil, Gas, and Mining  
(801) 538-5320  
[danadean@utah.gov](mailto:danadean@utah.gov)

>>> "DUBUC CHARLES" <[charles.dubuc@law.utah.edu](mailto:charles.dubuc@law.utah.edu)> 7/13/2009 1:58 PM >>>

Dana: In reviewing your response, we seem to have had some basic misunderstanding regarding what we were hoping to accomplish.

As I explained to you, the gist of our concern was the requirement of filing a protest a this time because, frankly, although we filed comments, we are unable to comment effectively on several aspects of the permit because the file is incomplete. When we spoke, you gave me the impression that DOGM was willing to preserve our ability to file a protest at a later time, once the air quality permit was in place.

Instead, your letter indicates that what we've preserved is a right to file a Request for Agency Action. While I appreciate your willingness to work with us on this issue, what we really want is the right to file a written protest - short of a Request for Agency Action - once the file is complete. An RAA is a substantially different vehicle to object to a permit than a protest and I was expecting to be able to file a protest, rather than an RAA, should we deem that appropriate. If you are unable to accomodate that, please let me know and I will file a formal objection to your determination by the end of this week.

Rob Dubuc

11008

From: Dana Dean [<mailto:danadean@utah.gov>]  
Sent: Tue 7/7/2009 6:53 PM  
To: DUBUC CHARLES  
Cc: [barclay.cuthbert@energyresource](mailto:barclay.cuthbert@energyresource); John Baza; Paul Baker; Steve Alder; Susan White  
Subject: PR Springs

Mr. Dubuc:

Please see the attached response to your inquiry of yesterday. Please let me know if you have any questions.

Thank you,

Dana Dean, P.E.  
Associate Director - Mining  
Utah Division of Oil, Gas, and Mining  
(801) 538-5320  
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